

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, AUGUST 18, 2010 AND THURSDAY, AUGUST 19, 2010, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 1:00 pm Wednesday, **August 18, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro.

EXECUTIVE SESSION

Mayor Pro Tem Rodriguez called the meeting to order and recessed the meeting at 1:15 pm to convene in Executive Session for the purposes of:

- A. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DISCUSS LEGAL ISSUES RELATED TO THE EXPENDITURE OF GRANT FUNDS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 2:15 pm at which time it was noted that the City Council had been briefed on Item A and took no action and that if time allowed, the Council would address Item B in executive session.

- 1. STAFF PRESENTATION ON THE FY 2011 PROPOSED BUDGET FOCUSING ON, BUT NOT LIMITED TO, THE FOLLOWING:**

A. PUBLIC WORKS DEPARTMENT

Majed Al-Ghafry, Public Works Director provided an FY 2011 Budget Summary, noting that the budget totaled \$159,579,978. He stated that within the General Fund, 18 positions had been reduced and the budget had increased by 0.5%. He reported that within Advanced Transportation District (ATD) Funds, the budget had decreased by 5.2% and one position had been eliminated. Within Storm Water Operations, he noted that the budget was reduced by 3.7% and two positions had been added.

Mr. Al-Ghafry spoke of the Infrastructure Management Program (IMP) that was adopted in 2007 as a five-year rolling program, noting that 740 of 1,028 projects had been completed as of July 31, 2010. He reported that \$1.75 million in Street Maintenance efficiencies would be redirected to provide five additional miles of contractual street reclamation and that 942 projects were scheduled for completion by September 2011. He stated that the FY 2011 Sidewalk Program includes \$6.5 million for 9.9 miles of sidewalks and that \$3.2 million in Federal Stimulus Funds would be utilized for curb ramps,

pedestrian signals, crosswalks, and traffic calming devices. He mentioned that for FY 2011, five traffic signal locations and 83 miles of pavement markings would be completed. He noted that \$2 million from the Solid Waste Department and \$1 million from the Public Works Department would be utilized in FY 2011 to address alley repair and maintenance including automated collection cart pads. He added that 67 miles of Natural Creekway maintenance was planned for FY 2011 and that current funding for the Neighborhood Access Mobility Program (NAMP) would be maintained at \$200,000 annually per Council District.

Mr. Al-Ghafry provided an overview of the Traffic Signal System and Modernization (TSSM) Program, noting that it was a \$33 million, 5-year program to provide optimum traffic flow through coordination and efficient timing of all signals in the city. He stated that FY 2011 would be the fourth phase of the program and included the improvement of 252 signals. He spoke of the Low Water Crossing Program, a coordinated effort between Public Works and the Fire Department, noting that five locations would be addressed in FY 2011.

Councilmember Cisneros thanked Public Works staff for their work and spoke of the many infrastructure needs throughout the city. She referenced the need for a future Bond Program and asked of the reduction of In-House Pavement Marking employees. Mr. Al-Ghafry replied that the contracts that they had entered into had been very favorable and had realized a great amount of savings due to same. He noted that there had been challenges with utilization of In-House Pavement Marking services. Councilmember Cisneros asked and confirmed that sidewalk improvements would be addressed within the inner city. She stated that she was pleased with the funding allocated for Alley Maintenance. She expressed concern with flooding issues in the Los Angeles Heights and Five Points Areas. Mr. Al-Ghafry stated that funding was not the issue and that the concern was the lack of a regional approach.

Councilmember Lopez spoke of the elimination of the In-House Pavement Marking staff and expressed concern with the impact to response times. Mr. Al-Ghafry replied that response times would be enhanced through contract work. Councilmember Lopez asked of the procedure for prioritizing speed bumps. Mr. Al-Ghafry replied that speed bumps were not the most effective method to reduce speeding and that staff was reviewing a range of options to make speed calming devices more aesthetically pleasing. He noted that the criteria had been slightly revised to ensure that it was the right method for affected residents. Councilmember Lopez spoke of flooding issues and asked of the possibility of improving drainage through development. Mr. Al-Ghafry replied that some of the issues could be addressed through Unified Development Code (UDC) revisions and also through Master Planning efforts.

Councilmember Chan recognized the Public Works staff for their work and stated that she was pleased with the TSSM. She asked of the elimination of 18 employees and the impact to services. Mr. Al-Ghafry replied that many of the positions had been vacant for more than six months and that some positions were being redirected to enhance programs. Councilmember Ramos also thanked Public Works staff for their work and spoke of the importance of maintaining services. She expressed concern with the number of employee reductions, noting that there were numerous infrastructure issues that needed to be addressed throughout the city. Mr. Al-Ghafry reiterated that most of the positions that were eliminated had been vacant for more than six months. Ms. Sculley also noted that a comprehensive review of the Public Works Department had been conducted last year and many of the recommendations were a result of the study. Councilmember Ramos requested a list of the eliminated

positions and their respective divisions. She asked of Capital Outlay. Maria Villagomez, Budget Director replied that it consisted of equipment, machinery, and other items that were one-time in nature.

Councilmember Williams asked if staff would be able to meet the schedule for creekway maintenance. Mr. Al-Ghafry replied that he was confident that they will be able to meet the schedule. Councilmember Williams asked of the continuation of yellow flashing lights on turn signals, noting that he had received complaints and that education was needed. Mr. Al-Ghafry stated that the signals have been successful and staff will work to educate the community. Councilmember Williams asked of the number of staff in Storm Water Operations. Mr. Al-Ghafry replied that there were 271 employees in that division. Councilmember Williams asked of the review of the Public Works Fleet. Florencio Peña, Fleet Operations Manager stated that the Fleet Analysis would be completed by the end of FY 2011. Councilmember Medina asked of the maintenance of creeks. Mr. Al-Ghafry stated that the creeks were maintained by the Public Works Department and were scheduled for cleaning four times per year. Councilmember Clamp spoke of the great work of the Public Works Department and stated that he was pleased with the response times. He noted that the only thing that was needed was additional funding.

B. PARKS AND RECREATION

Xavier Urrutia, Parks and Recreation Director provided a departmental overview and spoke of the department reorganization in which 39 positions were reduced in FY 2010. He stated that the Greenway Program was funded through a sales tax initiative and that 22 miles have been completed to date. He outlined the Five-Year Park Renovation and Maintenance Program in which Cuellar Park, Sunset Hills Park, and Vidaurri Park would be improved in FY 2011. He reported that \$525,000 in operating funds would be utilized for playground improvements and would leverage grant funds and volunteer efforts to accomplish. He noted that the Tree Planting Program was funded by the Tree Mitigation and Tree Canopy development fees, and that 8,220 trees were projected to be planted in FY 2011.

Mr. Urrutia outlined the FY 2011 efficiencies, noting that \$679,765 in savings would be realized through an increase to the managerial span of control. He reported that community center hours of operation would be aligned to meet customer demand. He spoke of the mandates for park acquisition and development maintenance, as well as linear creekway development maintenance. In reference to revenue, he noted that the goal was to implement fee structures that cover a significant portion of adult program costs and to modify other fees for consistency and appropriateness. He mentioned that the proposed fees were consistent with fees charged for similar programs and developed in consultation with stakeholder groups. He stated that the recycling program in parks would be expanded to six regional parks and 14 linear greenway trailheads. He noted that in order to increase the quality of service and options to customers, staff was recommending outsourcing the management and operation of San Jose Burial Park. He added that staff was negotiating with the neighboring cemetery to finalize a long-term lease agreement to incorporate the city facility into their operations with a target start date of January 1, 2011.

Councilmember Cortez thanked the Parks and Receptions staff and stated that he looked forward to the work on Pearsall Park. Councilmember Cisneros highlighted the 50% increase in green space and asked of the proposed funding for Hardberger Park. Mr. Urrutia replied that there were no recommended reductions to any parks and that included Hardberger Park. Councilmember Cisneros asked of reorganization efficiencies and administrative consolidation. Mr. Urrutia responded that they had realigned job functions to increase the managerial span of control without impacting service delivery.

Councilmember Cisneros asked of the reduction to community center hours. Mr. Urrutia stated that the reduction in hours of operation were only effective during the school year and that the decision had been based on participation. Councilmember Cisneros stated that she was pleased that the parks recycling program would be expanded and recommended that staff engage high school youth in need of volunteer or community service hours to educate the community on recycling efforts. She referenced the first off-leash dog park in the inner city at Madison Square Park. Mr. Urrutia stated that it should be completed in the fall. Councilmember Cisneros requested that staff meet with the Beacon Hill Neighborhood Association regarding the Beacon Hill Linear Park Project. She added that it was important to provide services to residents and not just continue to cut programs.

Councilmember Taylor recognized the Parks and Recreation staff for their work and spoke of the need to be strategic with resources. She asked of the coordination of parks resources with on-going revitalization efforts. Mr. Urrutia confirmed that they would review the possibility and coordinate capital improvements occurring in the same area. Councilmember Ramos also thanked the Parks and Recreation staff for their work and asked of the maintenance of Salado Creek. Mr. Urrutia replied that the Parks and Recreation Department was responsible for maintenance and that funding for same was included in the budget. Councilmember Ramos stated that she would like for the tires to be removed from Salado Creek and expressed concern with the cracks in the pavement. She asked of the audit conducted regarding the expenditure of funds on the creekway program. Ms. Sculley replied that the audit was scheduled to be presented to the Audit Committee prior to the November Election. Councilmember Ramos asked to meet with staff regarding open play centers and expansion of community center hours. She spoke in support of the improvements recommended for San Jose Burial Park.

Councilmember Chan asked of the Tree Mitigation Fund. Mr. Urrutia replied that the Tree Mitigation Fund totaled \$1.4 million. Councilmember Chan asked of the Linear Creekway Program. Mr. Urrutia stated they were very close to meeting the goal of addressing 45 miles and were recommending that the Westside Creeks be included in the next program. Councilmember Chan spoke of the importance of maintenance of the Linear Creekway Program. She asked of the recreation programs for youth, adults, and seniors. Janet Martin, Assistant Parks Director stated that there were 500 recreation programs and that 20% were for adults only. In addition, there are three centers that are 100% dedicated to seniors. Councilmember Chan asked of the city's costs compared to the fees charged. Ms. Martin provided the example of adult softball programs, noting that the General Fund was subsidizing the program by \$48,000. She noted that for FY 2011, staff was proposing to make the fees cost neutral by increasing participation fees. Councilmember Chan expressed concern with the increase in fees due to the challenging economic conditions and stated that she would prefer to cut programs rather than increase fees. She requested a list of adult programs and the General Fund cost to provide the services. She also requested a list of youth and senior programs along with utilization rates.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 4:41 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **August 19, 2010** at 9:00 am in the City Council Chambers.

ROLL CALL

City Clerk, Leticia M. Vacek, took the Roll and noted a quorum of the Council with the following present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** None.

Item 1. The Invocation was delivered by Pastor Arlie Lammers, Senior Pastor, Marbach Christian Church, guest of Councilmember Ray Lopez, District 6.

Item 2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.

Item 3. MINUTES

Councilmember Cisneros moved to approve the Minutes for the August 5, 2010 City Council meeting. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

Item 4. OATH OF OFFICE – MAYOR PRO TEM

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember Jennifer V. Ramos, District 3, whose term as Mayor Pro-Tem is effective August 19, 2010 through October 28, 2010.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-08-19-0697

Item 5. AN ORDINANCE AMENDING CHAPTER 36 (SMOKING ORDINANCE) OF THE CITY CODE OF SAN ANTONIO, TEXAS TO MEET THE NATIONAL STANDARDS FOR SAN ANTONIO TO BE DESIGNATED AS A “SMOKE-FREE” CITY.

Dr. Bryan Alsip, Assistant Director of the Health Department presented the revisions to the Smoking Ordinance. He stated that the amendments to Chapter 36 would meet the national standards for San Antonio to be designated as a “Smoke-Free” City. He noted that it would authorize the removal of exclusions from the current ordinance for bars, billiard halls, bingo facilities, comedy clubs, gaming facilities, and restaurants. He reported that San Antonio was the largest Texas city without a comprehensive smoke-free ordinance and that over 25 Texas Cities currently have smoke-free ordinances. He indicated that there were 8,236 food establishments city-wide and 853 of them allow smoking. He mentioned that peer-reviewed economic analyses conducted throughout the United States have shown either no difference or a positive economic impact with smoke-free requirements.

Dr. Alsip reported that convention business had been lost as a result of San Antonio not being a smoke-free city and that over 30 organizations will not hold conventions here due to this reason. He explained that the minimum national standards to be recognized as a smoke-free city include the prohibition of indoor smoking in: 1) Municipal worksites; 2) Private worksites; 3) Restaurants; 4) Bars in restaurants;

and 5) Bars not in restaurants. He stated that exclusions in the current ordinance permit the exposure of employees and residents to adverse health effects of secondhand smoke. He noted that smoking bans reduce hospitalizations for smoking-related diseases and that workplace smoking bans have also been shown to reduce the rate of smoking among employed smokers.

Dr. Alsip stated that today's action would amend the current ordinance to remove exclusions and prohibit smoking in bars including bars in restaurants, billiard halls, bingo facilities, comedy clubs, gaming facilities, and restaurants. He further recommended that the following areas also prohibit smoking: 1) San Antonio Zoo, San Antonio River Walk, Alamo Plaza, and Main Plaza; 2) All city-owned parks; 3) all outdoor sports arenas, stadiums, and amphitheaters; 4) Within 20 feet of outdoor public transportation stations, platforms, and shelters under the authority of the City; and 5) childcare and adult day care facilities.

Mayor Castro called upon the individuals registered to speak.

Mike Phillips of COPS Metro Alliance spoke in support of the revisions to the Smoking Ordinance. He spoke of COPS/Metro's work in the community over the past 35 years and noted that they are organized around self-interests and issues important for families. He mentioned that they had implemented Project Quest when manufacturing jobs were leaving San Antonio and it had become a nationally recognized program for re-training low-wage workers for high-demand, living-wage jobs. He stated that their work was focused on providing dignity to workers and it was out of respect for them that COPS/Metro was present today. He noted that workers in the service industry should not be forced to choose between their health and their jobs. He urged the City Council to pass a comprehensive smoking ban.

Former Councilmember Jimmy Hasslocher thanked the City Council for their work and noted that he had provided an economic impact to the City Council this morning. He stated that he hoped that the passing of said ordinance would not have a serious financial impact to those affected by it. He added that he was aware that smoking was bad for your health but there were individuals that would still choose to smoke.

Faye Lane, a Humana Nurse addressed the Council and stated that the science is clear with regard to secondhand smoking. She noted that it costs lives, employees and families with higher insurance premiums.

Dr. Eileen Breslin with the UT Health Science Center spoke of the scientific evidence regarding smoke-free workplace laws, noting that there were documented health dangers posed by secondhand smoke. She stated that exposure to secondhand smoke has immediate effects on the cardiovascular system and causes coronary artery disease and lung cancer. She strongly urged the adoption of the Ordinance and noted that she was speaking on her own behalf.

Amanda Bolido stated that she is a March of Dimes Volunteer and asked the Council to vote in favor of the Ordinance and that it be effective as soon as possible. She noted that secondhand smoke can cause harm to pregnant women and low birth weight in their unborn children.

Juan H. Flores stated that he was part of the La Fe Policy Research and Education Center and that passage of the ordinance was critical to the community. He spoke of the harmful effects of smoking and asked the City Council for their support on said item.

Dr. Eliseo Villalobos with the SA Allergy Asthma Immunology Society spoke of the health risks associated with smoking and secondhand smoke. He stated that they stand behind the proposed ordinance.

Suzanne Lozano, RN and representative of the SA Smoke-Free Coalition spoke in support of the revisions to the Smoking Ordinance. She expressed concern that if the phase in period is extended, it will more than likely get repealed.

Dr. Brian Herman and Sam Dawson of the Greater Chamber addressed the Council and expressed their support for the adoption of the ordinance. Dr. Herman stated that the health risks caused by smoking far outweigh any reason not to impose a stricter ordinance. He reported that secondhand smoke kills 53,000 people per year and that there is no safe amount of secondhand smoke. He noted that people exposed to secondhand smoke are at risk of developing lung cancer and even brief exposure can cause heart damage, bronchitis, and pneumonia. He noted that the 80% of non-smokers are forced to support the tobacco-related healthcare costs. He added that individuals have a right to work in a smoke-free environment and that the Chamber would support a statewide ban on smoking in public areas.

Angie McClure of the SA Smoke-Free Coalition spoke in support of the revisions to the Smoking Ordinance. She stated that she was speaking on behalf of the many affected by secondhand smoke and that this was a public health issue. She noted that personal freedoms end when they cause harm to others and asked the City Council to pass the ordinance with an immediate effective date.

Courtney Denton stated that she was a resident of District 9 and in support of the proposed ordinance. She asked that the City Council implement the ordinance in a reasonable manner, noting that there was no associated economic impact.

Bill Molina thanked Mayor Castro and his Councilmember, Justin Rodriguez, for their leadership on said issue and asked that the ordinance be implemented as soon as possible.

Shirley Thompson read a portion of an article written by Dr. Michael Segal, a proponent of banning smoking. He wrote that a report from the Surgeon General presents misleading and inaccurate information to the public. She read a letter that she sent to each City Councilmember that stated that she had served in the US Military to protect and defend the US Constitution. She expressed concern that rights were being taken from businesses. She spoke of the importance of compassion and preserving individual rights and requested that a vote on said item be postponed.

Henry Rodriguez addressed the Council on behalf of several lounges and bars and asked that the City Council respect their liberty and pursuit of happiness. He stated that employees chose to work at those places and that it would be an intrusion of government if the ordinance is passed.

Pat Semmes of the Olmos Park City Council stated that she was in support of the ordinance and would introduce a no-smoking ordinance in Olmos Park if necessary.

Jimmy Perkins, Professor of Environmental Health Sciences at the University of Texas School of Public Health spoke of the many deaths that occur due to exposure to secondhand smoke. He expressed

concern that several of the Councilmembers were opposed to the ordinance and that concessions were being made in regard to the implementation and locations.

Louis Barrios, Desiree Hopkins and Yolanda Arellano of the San Antonio Restaurant Association spoke against the passing of the ordinance. Mr. Barrios stated that this is the worst of all economic times and spoke of the many businesses that will lose their smoking clientele if the ordinance is passed. He asked why there would be certain exemptions to the ordinance and noted that he was speaking on behalf of the many small businesses. He asked the Council to vote no to the ordinance but also that if it is approved, that the ordinance be phased-in over a period of three years.

Jacque Petterson of Smoke-Free Hotels.Com addressed the Council and stated that she was a small business owner in support of the ordinance. She spoke of the responsibility of business owners, noting that they should care about the health and well-being of employees and guests. She added that business receipts had increased by up to 12% in cities that have adopted smoke-free ordinances.

Gary Johnson stated that he was a resident of District 9 and expressed concern that staff will not be added to enforce the new regulations if they are passed. He noted that It had been reported that more Health Inspectors are needed to address the current workload. He asked the Council to vote the will of their constituency in opposition to the ordinance.

Ben Brewer, President of the Downtown Alliance stated that they were in support of the revisions to the Smoking Ordinance with the exclusion to out-of-door areas along the Riverwalk, and Alamo and Main Plazas.

William Gayton stated that he is new to the area and moved here to lower his daughter's risk of contracting Multiple Sclerosis. He noted that individuals should not have to choose between their jobs and their health. He added that this ordinance is for public good and he was in favor.

Marisol Robles on behalf of the San Antonio Hispanic Chamber stated that they were in favor of the passage of the ordinance to protect the health of citizens and tourists. She added that they hoped that the city would recognize the impact of the ordinance to small businesses and provide support and incentives to meet the demands of the policy.

Ruben Cortez, Amos Jones and Wanda Jones representing MTC, Inc. addressed the City Council in opposition to the ordinance. Mr. Cortez stated that 97% of the restaurants are non-smoking and expressed concern that businesses are being bombarded with costly regulations. He spoke of the challenges in operating a business and asked why cigar bars were being exempted in the proposed ordinance. He asked for a three-year transition period to make San Antonio smoke-free. Wanda Jones stated that many businesses would be closing their doors and asked what the city would do for them. Amos Jones expressed concern that he would lose his business and asked the Council to vote no to the ordinance.

Will McLeod stated that he was against the passage of the ordinance because he was a high functioning, autistic individual and smoking was the best thing that ever happened to him. He noted that smoking had helped him address issues with alcohol and that the passage of the ordinance would affect homeless individuals.

Former Councilmember Lourdes Galvan addressed the Council in opposition to the ordinance. She stated that smoking was a right of individuals and that many of her family members were smokers that were alive and well. She spoke of the importance of educating youth on the dangers of smoking and asked how the ordinance would be enforced. She noted that there were many other issues that need to be addressed throughout the city and that District 5 has already suffered many cuts.

James P. Martinez of the American Lung Association urged the Council to adopt the ordinance and stated that over 250,000 individuals suffer from smoke-related illnesses.

Claudia Rodas of the American Cancer Society stated that they are in support of the ordinance and urged the Council to vote in favor. She asked that the ordinance be implemented as soon as possible and recognized Mayor Castro and Councilmember Rodriguez for their leadership on the issue.

William Smith stated that he was a small business owner and Veteran opposed to the proposed ordinance. He noted that it infringed upon individual civil liberties and that the policy should be put to a vote.

Loyd LeBlanc stated that he was a resident of District 3 and although he suffered from hay fever, he had never had issues due to smoke. He noted that the ordinance was unnecessary and mean-spirited.

Willie Acuna stated that he was concerned about the jobs that would be lost and the individuals that would not be able to provide for their families if the ordinance is passed. He asked the City Council to think carefully about the matter so that the city does not end up with a high amount of unemployment.

Robert Lowery addressed the Council and stated that he operated a number of clinics throughout the city. He noted that although he did not like smoking, these were private choices that people make. He added that he treats patients that make poor decisions but he did not have the authority to change their behavior. He mentioned that the city had the authority to make decisions for public facilities but should not dictate to private businesses.

Bonnie Davis asked the Council to vote in opposition to the ordinance. She stated that she had been a bartender for 35 years and a bar owner for 20 of those years. She noted that she could not begin another career at this point in her life and had already lost a great amount of business due to the economy.

Amy Jaspersen stated that she was in support of making San Antonio a smoke-free city. She noted that everyone has a right to breathe clean air in public places and at work. She added that fear of change is natural but studies have shown that there is no negative economic impact associated with smoking bans.

Eliceo Olivarez stated that he was opposed to the ordinance and that nothing was really safe. He asked that greater issues be addressed.

Ray & Carolyn Guajardo spoke in favor of the ordinance. Mr. Guajardo asked that San Antonio take a stand for all non-smokers, noting that this was a matter of life and death and that individuals should not be subject to unclean air. He stated that he also owns a restaurant that has never allowed smoking and it has been successful.

Dr. Vincent Fonseca thanked the leadership of Mayor Castro and Councilmember Rodriguez in this issue. He spoke of the importance of a healthy city and stated that he was in support of the ordinance. He noted that Austin was smoke-free and their bars have not been negatively impacted.

Joel Romo of the American Heart of Association stated that they were in support of the ordinance with immediate implementation. He referenced a report in circulation: Journal of the American Heart Association that reported that within a year's time frame of passing smoking bans, communities had 17% fewer heart attacks compared to those without smoking restrictions. He added that this was a public health issue and that personal freedoms end when they cause harm to others.

Rosa Rosales of LULAC thanked the City Council for their work and stated that LULAC was founded 81 years ago to provide justice and fairness. She spoke in opposition to the proposed ordinance and expressed concern with the exemptions. She stated that everyone should be included in the ordinance for San Antonio to be truly smoke-free. She asked that all unite behind restaurant and hotel workers to provide better wages and good working conditions.

James Gray representing the American Cancer Society thanked Mayor Castro and Councilmember Rodriguez for their leadership on this issue and stated that they are in support of immediate implementation of the ordinance. He noted that this was a public health issue and that their organization was committed to working with the city on a seamless implementation process.

Jack M. Finger spoke in opposition to the proposed ordinance and stated that outdoor smoke dissipates. He noted that the sale of cigarettes should be banned in order to completely eliminate carcinogens.

Henrietta LaGrange spoke in opposition to the proposed ordinance, noting that the City Council should not control private property. She stated that there were greater issues that needed to be addressed including garbage pick-up.

Melinda Little of the Campaign for Tobacco-Free Kids thanked Mayor Castro and Councilmember Rodriguez for their leadership on said issue and stated that she was in favor of the revisions to the Smoking Ordinance. She asked that it be implemented sooner than later.

Lauren Hutton stated that she was representing the Lance Armstrong Foundation and they supported the right to breathe clean indoor air. She asked that the Council implement the ordinance in a timely manner.

Gerald Lee of Smoke-Free San Antonio spoke in favor of the ordinance and urged its passage with timely implementation.

Written testimony was received from Faris Hodge, Jr. in opposition to the revisions to the Smoking Ordinance. He wrote that the City Council should not prohibit individuals from smoking in the zoo, parks, and Riverwalk.

Councilmember Rodriguez thanked Drs. Guerra and Alsip for their work on the proposed ordinance. He asked of the economic studies conducted for cities that implemented smoking bans. Dr. Alsip replied that it was too early to consider Dallas for formal studies since their ordinance was enacted in April 2009, but had reviewed data from El Paso. That data indicated that the hospitality industry had not been

negatively impacted. Councilmember Rodriguez asked of the prohibition of smoking in outdoor spaces. Dr. Alsip noted that many cities had implemented smoking bans in outdoor spaces including dining areas and city parks. Councilmember Rodriguez asked of the exemptions. Dr. Alsip stated that they had drafted an ordinance consistent with other ordinances in the state and country and had utilized a model ordinance provided by the Americans for Nonsmokers' Rights (ANR). He explained that exemptions to indoor smoking would include private clubs and retail tobacco stores. City Attorney Michael Bernard added that in regard to retail tobacco stores, they were required to primarily sell tobacco-related products. He noted that utilizing a percentage of sales to define same had not worked well in other cities.

Councilmember Rodriguez asked of the implementation period of other cities' ordinances. Dr. Alsip replied that they varied from four to six months in the major Texas Cities. Councilmember Rodriguez asked if smoking was allowed on outdoor patios and of expediting the permitting process for businesses wanting to build same. Dr. Alsip confirmed that smoking would be permitted on outdoor patios and that staff would work with the business community to help them adhere to the ordinance requirements. Councilmember Rodriguez asked of narrowing the focus on the prohibition of smoking in city parks. Dr. Alsip stated that some communities had chosen that option rather than an all-encompassing approach out of concern for children. He noted that it was important to mention that there was evidence of harm from secondhand smoke exposure in outdoor settings. Councilmember Rodriguez stated that he had conducted research within his district and many of the business owners had expressed support for the ordinance. He noted that he understood the concerns of small businesses but felt that many of the regular customers would continue to patronize the establishments. He recognized Mayor Castro for his leadership on the issue and stated that passage of the ordinance would make the city better.

Councilmember Rodriguez moved to adopt the proposed Ordinance and include the following conditions:

- 1) Removing sections prohibiting smoking in the following outdoor areas:
 - a) service lines;
 - b) botanical gardens;
 - c) the Riverwalk;
 - d) Main Plaza;
 - e) Alamo Plaza;
 - f) Within 20 feet of bleachers and grandstands at sporting and other public events.
- 2) Removing the requirement that outdoor seating areas have non-smoking areas;
- 3) Limiting the prohibition of smoking in City-owned parks to pavilions and playgrounds only;
- 4) Adding language clarifying the requirement of proof of a culpable mental state (intentional, knowing, reckless, or criminal negligence) to establish a violation of the ordinance.
- 5) Authorize the waiver of permit fees for the construction of wholly new outdoor patios on currently existing restaurants and bars to comply with the proposed smoking ordinance until the effective date of the smoking ordinance, and the fast-tracking of those permits.
- 6) Ordinance to be effective on August 19, 2011.

Councilmember Cortez stated that he was pleased with the public input process on said item and that he was supportive of the ordinance since it was a public health issue. He spoke of the negative impacts of secondhand smoke and the high medical costs due to smoking-related illnesses. He noted that he believed that the revised ordinance would impact businesses in a positive way and improve the quality

of life. He stated that bars, lounges, and other such businesses have been able to survive in other major Texas Cities that have passed the smoke-free ban. He mentioned that he had heard concerns from Veterans and felt that their issues were being addressed. He added that he looked forward to working on a statewide smoking ban with the San Antonio Restaurant Association and that race was not a factor when considering overall public health. Councilmember Medina thanked everyone for their input and recognized Mayor Castro and Councilmember Rodriguez for their leadership on the issue. He spoke of his efforts through the Quality of Life Council Committee to create a tobacco and alcohol-free zone during the Fiesta Parade. He stated that individuals were grateful that they were not subject to secondhand smoke. He noted that this was a good step to protect employees in the hospitality industry and that everyone had the right to breathe clean air. He added that although this was a challenging decision, he was confident that small businesses would be able to move forward.

Councilmember Chan expressed concern that she had not received a copy of the “Impact of a Smoking Ban on Restaurant and Bar Revenues – El Paso, Texas 2002” prior to today’s City Council Meeting and asked who conducted the studies referenced by the Health Department. Dr. Alsip replied that the studies were conducted by entities such as universities, independent study groups, and tobacco-sponsored organizations. In response to Councilmember Chan, Dr. Alsip stated that he was not aware of any study that tracked a specific business. Councilmember Chan expressed concern with the challenging economic conditions and spoke of the importance of caring for residents. Dr. Alsip noted that the overall economic impact does not show negativity but there are always exceptions. Councilmember Chan asked of VFW Halls. Dr. Alsip replied that they were private clubs and the only one they were aware of that allowed non-members was the one located on the Riverwalk.

Councilmember Chan asked of the enforcement of the ordinance. Dr. Alsip stated that indoor establishments would not be an additional burden on the Health Department, as they are already inspected by Sanitarians and would only require that this be added to their checklist. He noted that enforcement in parks would be done by the Park Police and they would respond to calls as they currently do. Councilmember Chan asked of the waiving of permit fees. Ms. Sculley replied that staff had not accounted for the additional revenue and that the inspections would be performed by current staff. Councilmember Chan stated that she understands that smoking is harmful but it is legal and should be an individual choice. She noted that the city had only received 230 smoking-related complaints in the last eight years and that there should be no exceptions if it is truly believed that secondhand smoke is harmful. She asked the City Attorney of potential lawsuits due to exceptions. Mr. Bernard stated that he was not concerned and felt that the city had made the decisions and exceptions on a rational basis. Councilmember Chan stated that her concern was for small businesses and she would support the ordinance if the City Council would consider more implementation time for existing businesses such as 2-3 years.

Councilmember Chan moved to amend the current motion to extend the implementation time to two years. Councilmember Ramos seconded the motion.

Councilmember Williams stated that this was a difficult issue and that everyone had something that they were not pleased with in the ordinance. He noted that he did not like the inconsistency and timing of the ordinance due to the challenging economic conditions. He mentioned that in order to help businesses, the city would expedite and waive development fees. He stated that it was disingenuous to have businesses sign a contract and then change the terms. He added that in balance for the community, it is a step forward.

Councilmember Cisneros stated that it is the responsibility of the Council to examine each position and weigh each side. She spoke of the negative effects of secondhand smoke and noted that the ordinance was not meant to infringe on the rights that individuals have to smoke. She stated that exempting the Riverwalk levels the playing field in that if other restaurants can use their patio, so should the businesses on the Riverwalk. She asked that the City Clerk place into the record the following letters of support: San Antonio Hispanic Chamber of Commerce, Paseo del Rio Association, Downtown Alliance, Greater San Antonio Chamber of Commerce, American Heart Association, and letter from Dr. Tobie Lynn-Smith of the John Hopkins School of Public Health. She stated that she felt that the City Council was doing the right thing by passing the ordinance.

Councilmember Taylor recognized Mayor Castro and Councilmember Rodriguez for their leadership on the issue and thanked the community that provided input. She stated that this is a public health issue and she is in support of the ordinance. She added that the one year phase-in was reasonable due to the fact that building permits would be expedited and development fees would be waived. Councilmember Lopez asked if there were cities that had repealed the smoking ban ordinances they had passed. Dr. Alsip noted that many cities have amended their smoking ban ordinances based on local impact. Councilmember Lopez expressed concern with the impact to small businesses and clarified that he had signed the Council Consideration Request (CCR) in order for more discussion to be held on the issue. He also expressed concern with the areas where children congregate, noting that he would like to make it a better environment. He stated that with a two-year phase-in, he could support the ordinance.

Councilmember Ramos stated that she has heard from many small businesses in her neighborhood and district and that the Highland Hills Neighborhood Association had voted in favor of the smoking ban. She noted that she understood that there was a health issue regarding secondhand smoke, but expressed concern that she had received the proposed ordinance at 9:01 am this morning. She spoke of the impact to small businesses, noting that she was aware of same since her family had felt the effects when the last smoking-related ordinance was passed in 2003. She stated that many establishments do not have a capital account with funds to cover requirements imposed by the city and reiterated that only 230 complaints had been received in a seven-year period. She mentioned that there are bigger issues before the Council regarding complaints received on other matters. She noted the progress made by the city in that of 4,081 restaurants, only 231 allow smoking. She stated that although she had deep reservations, she could support the two-year phase-in as proposed by Councilmember Chan. She expressed concern with the ripple effect of building patios, since they could become neighborhood issues in regard to problems with noise. She added that this was not a conflict of interest being that she owns a restaurant, but understands the health risks since she also works for a health agency on contract.

Councilmember Clamp asked of the areas where smoking is allowed, expressing concern that smoking would be allowed in the two most important tourist attractions being the Riverwalk and Alamo Plaza. Dr. Alsip replied that the exceptions as proposed by Councilmember Rodriguez include the Riverwalk, Main Plaza, Alamo Plaza, outdoor service lines, park pavilions and playgrounds, and outdoor areas and patios of restaurants. Councilmember Clamp expressed concern that with all of these exceptions, San Antonio was not truly smoke-free. He asked of the national standard of being a "Smoke-Free City." Dr. Alsip replied that the standard was designated by the ANR. Councilmember Clamp expressed concern that ANR has dictated the standards by which the City Council is going to follow to be recognized as a "Smoke-Free City." He mentioned that the ordinance was untimely, referencing the newspaper this week that stated that not even deep discounts are enticing consumers and that tax collections are putting

the hurt on the State Budget. He also referenced data provided by the Health Department that 95% of restaurants are smoke-free and 90% of the 8,200 establishments are also smoke-free. He spoke of two businesses in his district located next to one another in which one would be impacted and the other would not. He stated that there should be a level playing field and that the ordinance infringes on small businesses. Lastly, he noted that he would support the two-year implementation phase but would vote for small businesses.

Councilmember Cortez clarified that smoking was only allowed in the outdoor area of Alamo Plaza and that smoking would only be restricted from indoor areas of food establishments along the Riverwalk. Dr. Alsip replied that was correct.

Mayor Castro stated that San Antonio is the last largest city to bring forth a smoke-free ban and spoke of the many individuals that suffer from illnesses exacerbated by secondhand smoke. He noted that one of the most important functions of the City Council was to ensure the general health, safety and welfare of the citizens. He noted that we are all affected by secondhand smoke cost in the increased costs of local health care. He mentioned that these type of ordinances that have been passed by Councils show that the smoking ban ordinances have not had negative impacts to small businesses. He noted that some of the largest organizations in this city have already weighed in and the Greater Chamber, Hispanic Chamber, Downtown Alliance, Paseo del Rio are all in favor of the revisions to the Smoking Ordinance. He stated that legislation was not always perfect; thus the Council will give lead time, and make exceptions as needed to be fair. He added that it is not foreign for government to issue requirements for the protection of public health. He expressed concern that the issue of race had been discussed, as this was not part of the issue at hand. Lastly, he recognized Councilmember Rodriguez for his leadership on the issue and stated that San Antonio would be much better off with the passage of this ordinance.

Amendment 1 by Councilmember Chan: The motion failed by the following vote: **AYES:** Ramos, Lopez, Chan, and Clamp. **NAY:** Cisneros, Taylor, Cortez, Medina, Rodriguez, Williams, and Mayor Castro. **ABSENT:** None.

The main motion by Councilmember Rodriguez prevailed by the following vote: **AYES:** Cisneros, Taylor, Cortez, Medina, Rodriguez, Williams, and Mayor Castro. **NAY:** Ramos, Lopez, Chan, and Clamp. **ABSENT:** None.

CONSENT AGENDA ITEMS 6-33

Consent Agenda Items 8, 12, 15, 17, 29, 31, and 33 A, B, C were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Cortez seconded the motion.

Mayor Castro called upon the individuals registered to speak on the Consent Agenda.

Jack M. Finger spoke in opposition to the on-call professional services agreements in Item 26 and the amendment to the agreements with Sports, Outdoor and Recreational Park in Item 32, noting that several Councilmembers had received campaign finance contributions from the respective businesses. He stated that he was against the tax abatement and waiving of Storm Water Fees for Glazer's Wholesale Drug Company in Item 33B and asked of the number of jobs that would be created.

Faris Hodge, Jr. submitted written testimony in support of Items 7-26, and 28-32. For Item 27, he wrote that there was not enough staffing in all city departments during the months of November and December the previous year. He wrote that the Riverwalk Alamo Street Trolley Station Elevator should be replaced since many individuals have been stuck in the elevator (Item 28). He expressed concern with the tax abatement provided in Item 33, noting that citizens should also be given tax breaks.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Mayor Castro. **NAYS:** None. **ABSENT:** Clamp.

2010-08-19-0698

Item 6. AN ORDINANCE AUTHORIZING A COOPERATIVE CONTRACT WITH HAGEMeyer NORTH AMERICA TO PROVIDE THE FIRE DEPARTMENT'S TECHNICAL RESCUE TEAM WITH THE PURCHASE OF RESCUE GEAR AND EQUIPMENT FOR A TOTAL COST OF \$111,834.12 FUNDED UTILIZING THE FY 2010 GENERAL FUND.

2010-08-19-0699

Item 7. AN ORDINANCE AUTHORIZING A COOPERATIVE CONTRACT WITH SHOOK MOBILE TECHNOLOGY TO PROVIDE ONE BOMB SQUAD RESPONSE VEHICLE TO BE USED BY THE POLICE DEPARTMENT FOR A TOTAL COST OF \$309,801.00 FUNDED UTILIZING THE DEPARTMENT OF HOMELAND SECURITY GRANT AND EMERGENCY MANAGEMENT FUNDS.

2010-08-19-0701

Item 9. AN ORDINANCE AWARDING A DRAINAGE AND STREET CONSTRUCTION CONTRACT TO SALINAS CONSTRUCTION TECHNOLOGIES, LTD, IN THE AMOUNT OF \$4,112,901.42, OF WHICH \$1,028,226.78 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, FOR THE SKYLINE AREA DRAINAGE PROJECT, AN AUTHORIZED 2007-20012 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 10.

2010-08-19-0702

Item 10. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE AMOUNT OF \$118,113.70 TO THE \$29,110,810.24 PROFESSIONAL SERVICES AGREEMENT WITH 3D/INTERNATIONAL FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR ADDITIONAL CONCRETE PAVING FOR AIRPLANE TAXI AREAS AND OTHER RELATED IMPROVEMENTS IN CONJUNCTION WITH THE DEMOLITION OF TERMINAL 2 AT THE SAN ANTONIO INTERNATIONAL AIRPORT, AN AVIATION REVENUE BOND FUNDED PROJECT.

2010-08-19-0703

Item 11. AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$154,441.50 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR IMPROVEMENTS TO NEW TRANSPORTATION SECURITY ADMINISTRATION IN TERMINAL 1 AT THE SAN ANTONIO INTERNATIONAL AIRPORT, AN AIRPORT REVENUE BOND FUNDED PROJECT.

2010-08-19-0705

Item 13. AN ORDINANCE RATIFYING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$43,672.50 TO THE \$1,074,384.83 CONSTRUCTION CONTRACT WITH CAPITAL

EXCAVATION FOR ADDITIONAL CONSTRUCTION WORK TO REMEDY UNANTICIPATED SOIL CONDITIONS FOR THE JONES MALTSBERGER - US 281 TO EAST OF UNION PACIFIC RAILROAD PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGEMENT PROJECT, FUNDED BY CERTIFICATES OF OBLIGATION AND FEDERAL FUNDS THROUGH THE METROPOLITAN PLANNING ORGANIZATION, AND THE AMERICAN RECOVERY AND REINVESTMENT ACT, LOCATED IN COUNCIL DISTRICT 9.

2010-08-19-0706

Item 14. AN ORDINANCE AUTHORIZING A NEW 20-YEAR LEASE WITH OCOTILLO AVIATION, LLC AT STINSON MUNICIPAL AIRPORT FOR GROUND SPACE AT AN ANNUAL RENTAL RATE OF \$0.15 PER SQUARE FOOT RESULTING IN \$11,080.50 IN NEW REVENUE.

2010-08-19-0708

Item 16. AN ORDINANCE AUTHORIZING A RENEWAL AND EXTENSION OF A LEASE AGREEMENT FOR A THREE YEAR LEASE FROM ART DUNCAN, INC. FOR SPACE AT 2712 HILLCREST IN COUNCIL DISTRICT 7 FOR THE COUNCIL DISTRICT FIELD OFFICE AT A MONTHLY RENTAL RATE OF \$1,380.00.

2010-08-19-0710

Item 18. AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES EXTENDING THE TERM FROM AUGUST 31, 2010 TO SEPTEMBER 1, 2011 AND MODIFYING REPORTING REQUIREMENTS OF A STATE-MANDATED PILOT DIABETES REGISTRY PROJECT ASSESSING THE LEVEL OF CONTROL AND PREVALENCE OF DIABETES AMONG THOSE TESTED IN BEXAR COUNTY.

2010-08-19-0711

Item 19. AN ORDINANCE RATIFYING AN APPLICATION TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S PUBLIC HEALTH APPRENTICE PROGRAM (PHAP) FOR PLACEMENT OF A PUBLIC HEALTH APPRENTICE WITHIN METRO HEALTH'S COMMUNICABLE DISEASE DIVISION FOR A TWO YEAR TERM.

2010-08-19-0712

Item 20. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PUBLIC HEALTH GRANT APPLICATION TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION FOR SUPPLEMENTAL EVALUATION OF THE IMPACT OF CPPW PROGRAM INTERVENTIONS ON OBESITY, AND THE ACCEPTANCE OF FUNDS UPON AWARD, FOR UP TO \$350,000.00 FOR AN 18 MONTH TERM BEGINNING SEPTEMBER 16, 2010 AND ENDING MARCH 15, 2012.

2010-08-19-0713

Item 21. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO \$400,000.00 FOR THE LIBRARY SYSTEMS OPERATIONS GRANT FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR THE PERIOD SEPTEMBER 1, 2010 TO AUGUST 31, 2011.

2010-08-19-0714

Item 22. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS, UPON AWARD, UP TO \$90,000.00 FOR A TECHNICAL ASSISTANCE GRANT FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR THE PERIOD SEPTEMBER 1, 2010 TO AUGUST 31, 2011.

2010-08-19-0715

Item 23. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF FUNDS, UPON AWARD, UP TO \$5,000,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT TO CREATE A SUSTAINABLE COMMUNITIES REGIONAL PLAN; AND AUTHORIZING IN KIND STAFF SUPPORT.

Item 24. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING JAKE LYRO (DISTRICT 2, CATEGORY: LAYPERSON/CONSUMER) AND REAPPOINTING VICTOR C. GOMEZ, JR. (DISTRICT 3, CATEGORY: MASTER PLUMBER (UNION) TO THE PLUMBING AND FUEL GAS APPEALS AND ADVISORY BOARD.
- B. APPOINTING MARK A. VARGAS (DISTRICT 3) AND JULIANA A. TORRES (DISTRICT 3) TO THE SAN ANTONIO YOUTH COMMISSION.
- C. REAPPOINTING THERESA A. YBANEZ (DISTRICT 3, CATEGORY: ARTS EDUCATION) TO THE ARTS & CULTURAL AFFAIRS COMMITTEE.
- D. REAPPOINTING MICHAEL S. ARIENS (DISTRICT 3) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2012.
- E. APPOINTING BURKE C. MAROLD (DISTRICT 3, CATEGORY: CONSUMER) TO THE TRANSPORTATION ADVISORY BOARD.
- F. APPOINTING PAMELA R. TOMAN (DISTRICT 3) TO THE SAN ANTONIO COMMISSION ON LITERACY.
- G. APPOINTING THOMAS A. TOMPKINS (DISTRICT 3) TO THE COMMISSION FOR CHILDREN AND FAMILIES.
- H. APPOINTING DONNA J. MCBEE (DISTRICT 3, CATEGORY: CONSUMER OF HANDICAPPED SERVICES) TO THE DISABILITY ACCESS ADVISORY COMMITTEE.

- I. APPOINTING CHARLES R. MUNOZ (MAYORAL) TO THE SAN ANTONIO HOUSING AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE AUGUST 26, 2011.

2010-08-19-0716

Item 25. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ADAMS ENVIRONMENTAL, INC. IN THE AMOUNT OF \$151,600.00 TO PROVIDE A WILDLIFE HAZARD ASSESSMENT AND MANAGEMENT PLAN FOR THE SAN ANTONIO INTERNATIONAL AIRPORT.

2010-08-19-0717

Item 26. AN ORDINANCE AUTHORIZING SIX ON-CALL PROFESSIONAL SERVICES AGREEMENTS FOR ENVIRONMENTAL CONSULTING SERVICES WITH GEOSTRATA ENVIRONMENTAL CONSULTANTS, INC.; WESTON SOLUTIONS, INC.; URS CORPORATION; POST, BUCKLEY, SCHUH, & JERNIGAN, INC.; RABA-KISTNER CONSULTANTS, INC.; AND PAPE-DAWSON ENGINEERS, INC., EACH FOR A ONE YEAR TERM IN AN AMOUNT UP TO \$750,000.00 PER YEAR WITH THREE OPTIONAL ONE-YEAR EXTENSIONS.

2010-08-19-0718

Item 27. AN ORDINANCE RESCHEDULING CITY COUNCIL MEETINGS IN NOVEMBER AND DECEMBER 2010, AND JANUARY 2011.

2010-08-19-0719

Item 28. AN ORDINANCE AUTHORIZING THE RATIFICATION OF A CONTRACT WITH EMR ELEVATOR, INC. FOR REPAIR AND REPLACEMENT OF THE RIVER WALK ALAMO STREET TROLLEY STATION ELEVATOR IN THE AMOUNT OF \$57,920.00; AND APPROPRIATING FUNDING FROM THE RIVER WALK CAPITAL IMPROVEMENTS FUND IN THE AMOUNT OF \$60,000.00.

Item 30. CONSIDERATION OF THE FOLLOWING RESOLUTIONS NOMINATING VANGUARD HEALTH SYSTEMS SAN ANTONIO PARTNERS, LLC (“BAPTIST HEALTH SYSTEM”) AND HOLT TEXAS, LTD., FOR DESIGNATION AS STATE ENTERPRISE ZONE PROJECTS:

2010-08-19-0039R

- A. A RESOLUTION NOMINATING VANGUARD HEALTH SYSTEMS SAN ANTONIO PARTNERS, LLC (“BAPTIST HEALTH SYSTEM”) FOR DESIGNATION AS A STATE ENTERPRISE ZONE PROJECT TO ESTABLISH A NEW, STATE-OF-THE-ART, ACUTE CARE MEDICAL FACILITY AT BROOKS CITY-BASE.

2010-08-19-0040R

- B. A RESOLUTION NOMINATING HOLT TEXAS, LTD FOR DESIGNATION AS A STATE ENTERPRISE ZONE PROJECT TO EXPAND ITS HEADQUARTERS AND OFFICE OPERATIONS TO SUPPORT SALES, SERVICES FOR CATERPILLAR EQUIPMENT, ENGINES AND GENERATORS FOR CONSTRUCTION, MINING, INDUSTRIAL, PETROLEUM AND AGRICULTURAL APPLICATIONS.

2010-08-19-0721

Item 32. AN ORDINANCE AMENDING A FUNDING AGREEMENT AND ESCROW AGREEMENT WITH SPORTS, OUTDOOR AND RECREATIONAL PARK (SOAR) TO EXTEND THE DEADLINE FOR SOAR TO CONVEY OWNERSHIP OF A REGIONAL SPORTSPLEX AND SPECIAL NEEDS PARK TO THE CITY.

[CONSENT ITEMS CONCLUDED]

RECESSED

Mayor Castro recessed the meeting at 1:10 to break for lunch and announced that the meeting would resume at 2:45 pm.

RECONVENED

Mayor Castro reconvened the meeting at 2:55 pm and addressed the pulled items beginning with Item 8.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2010-08-19-0700

Item 8. AN ORDINANCE ACCEPTING THE BID FROM ZWHEELZ, LLC TO PROVIDE AND INSTALL CONVERSION KITS TO CONVERT 5 EXISTING CITY-OWNED PRIUS AUTOMOBILES FROM HYBRID VEHICLES TO ALL ELECTRIC VEHICLES FOR A TOTAL COST OF \$62,500.00, FUNDED BY THE STATE ENERGY CONSERVATION OFFICE GRANT FUNDS WITH A MATCH BY CPS ENERGY.

Councilmember Clamp requested a status on the issues previously addressed regarding ZWHEELZ, LLC. Laurence Doxsey, Office of Environmental Policy Director stated that the issue with the Texas Tax Rolls was a clerical error that was cleared up that same day and they were in good standing with the State. Additionally, the home office address had been provided but they perform work in a shop that is conducive to their work environment. Councilmember Clamp requested additional information on ZWHEELZ, LLC. Mr. Doxsey replied that the company had been converting hybrids to electric vehicles for a number of years and that this conversion project would establish them as a certified installer of an improved technology by Toyota. He added that there were limited firms that performed this type of work and ZWHEELZ, LLC would become the first one in Texas. Councilmember Clamp asked of the market they would serve. Mr. Doxsey noted that there were 4,000 Prius Vehicles in San Antonio and that they would have the opportunity to convert other vehicles for cities that had received the same grant. Councilmember Clamp stated that he believed that this was a short-term market and expressed concern with the cost effectiveness. He noted that it would cost \$12,500 to convert each vehicle and that it would only save \$400 in gas costs per year. He asked how long the conversion market would last. Mr. Doxsey replied that he was unsure but that the electric vehicle industry would continue to expand. Councilmember Clamp stated that the electric vehicle market would be successful but the conversion market would not be as successful.

Councilmember Williams asked of the conversion kits. Mr. Doxsey replied that the battery driven system operated separately and once the battery has been used to its full extent, the regular drive system

would be utilized. He added that it operated similarly to the current system but that the life of the battery would be extended. Councilmember Ramos asked if the life of the vehicle would be extended through the conversion. Mr. Doxsey stated that it might be taken into account from a fleet standpoint but the policy was that a vehicle was turned over based on a set number of miles. Councilmember Ramos asked and confirmed that the funding for the conversion was provided through Stimulus Funds. Mr. Doxsey confirmed same. Councilmember Ramos stated that she was pleased that this was in line with the Mission Verde Plan and sustainability initiatives. Councilmember Chan asked of the maintenance costs. Mr. Doxsey replied that the maintenance costs would decrease, as electric motors required less maintenance. Councilmember Chan asked if there were plans to convert additional fleet in the future. Mr. Doxsey stated that staff recommendation would be based on the green fleet acquisitions policy and would review a total cost of ownership. Councilmember Clamp asked of the current vehicle life. Florencio Peña stated that sedans were replaced after 10 years or 96,000 miles and that these vehicles would be replaced based on the current policy.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Mayor Castro. **NAY:** Clamp. **ABSENT:** None.

The City Clerk read the following Ordinance:

2010-08-19-0704

Item 12. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH NORTHSIDE INDEPENDENT SCHOOL DISTRICT IN THE AMOUNT OF \$124,724.20 FOR COMPLETION OF DRAINAGE IMPROVEMENTS AND OTHER IMPROVEMENTS ASSOCIATED WITH THE HUNT LANE PROJECT, A 2007-2012 GENERAL OBLIGATION BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICTS 4 AND 6.

Councilmember Cortez asked for a briefing on said item as it was of interest to both Council Districts 4 and 6. He also asked for a completion timeline. Mike Frisbie, CIMS Director stated that this was a 2007 Bond Project with a \$10 million investment in Council Districts 4 and 6. He noted that it would provide for reconstruction and drainage improvements on Hunt Lane. He mentioned that they were working on an Interlocal Agreement with the Northside Independent School District due to their current construction in the area. He added that the project was scheduled for completion in June 2012. Councilmember Cortez stated that it was important to improve Hunt Lane due to the great amount of traffic and new development in the area. He recognized NISD and their Board Members for their service and partnership with the city. Councilmember Lopez stated that the most important item was the completion date and that it does not interfere with the start of the school year. Mr. Frisbie confirmed that they would work with NISD in regard to same.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, and Mayor Castro. **NAY:** None. **ABSENT:** Clamp.

The City Clerk read the following Ordinance:

2010-08-19-0707

Item 15. AN ORDINANCE AUTHORIZING A 10-YEAR STANDARD SPECIALTY RETAIL CONCESSION AGREEMENT WITH EDWIN ENTERPRISES, INC. AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Cisneros recused herself from Item 15 by exiting the Council Chambers and noted that she submitted the recusal forms to the City Clerk.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Ramos seconded the motion.

The motion prevailed by the following vote: **AYES:** Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSTAIN:** Cisneros. **ABSENT:** None.

The City Clerk read the following Ordinance:

2010-08-19-0709

Item 17. AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT FEDERAL ECONOMIC STIMULUS FUNDS IN THE AMOUNT OF \$194,856.85 TO THE COLLEGE ACCESS CENTER (CAFÉ COLLEGE) AND MUNICIPAL RECORDS FACILITY PARKING LOT IMPROVEMENTS PROJECT AVAILABLE FROM SURPLUS FUNDING OF THREE (3) COMPLETED STIMULUS FUNDED PROJECTS AND AMENDING THE FY 2010-2015 CAPITAL BUDGET.

Councilmember Cisneros recognized Mayor Castro for his leadership on Café College and stated that she was pleased that a site had been identified in District 1. She thanked Councilmembers Medina and Rodriguez for the funding they allocated to the project, and also thanked city staff and the San Antonio Education Partnership for their work. Councilmember Ramos asked for clarification of said item. Peter Zanoni stated that the previous week's agenda item approved the naming of the College Access Center as "Café College" and today's action would approve the reprogramming of CDBG Funds for capital improvements. Mayor Castro thanked the Councilmembers that contributed to the project and stated that he looked forward to the grand opening of Café College on September 27, 2010.

Councilmember Cisneros moved to adopt the proposed Ordinance. Councilmember Medina seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2010-08-19-0720

Item 29. AN ORDINANCE RENEWING AN INTERLOCAL AGREEMENT WITH THE ALAMO COMMUNITY COLLEGE DISTRICT EFFECTIVE SEPTEMBER 1, 2010, TO CONTINUE THE

ADMINISTRATION OF FUNDS FOR EDUCATION AND TRAINING PROGRAMS IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT.

Councilmember Clamp thanked city staff for reviewing the opportunity to fund Literacy San Antonio next year through the Alamo Colleges Agreement. Ed Davis, Assistant Director of the International and Economic Development Department stated that they had contacted the Department of Community Initiatives (DCI), noting that various literacy workforce programs were funded by DCI with this funding. Councilmember Cisneros thanked Alamo Colleges for the Alamo Area Academies that provide innovative training and educational partnerships. Councilmember Ramos thanked city staff for their work and asked how long the agreement had been in effect. Mr. Davis stated that this was the 10th year renewal of a 15-year agreement. Councilmember Ramos recognized Dr. Zaragoza of Alamo Colleges for his work. Mayor Castro also recognized Dr. Zaragoza and the Alamo Colleges for their partnership, noting that the training had been instrumental for high school students, city employees, and private-sector employees.

Councilmember Clamp moved to adopt the proposed Ordinance. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

CONTINUED

Item 31. AN ORDINANCE AUTHORIZING THE USE OF APPROXIMATELY 0.98 ACRES OF PARK LAND AT CONCEPCION PARK FOR A PUBLIC RIGHT OF WAY REQUIRED FOR REALIGNMENT OF EAST THEO AVENUE IN COUNCIL DISTRICT 3.

Councilmember Ramos moved to continue Item 31 to September 30, 2010. Councilmember Clamp seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

The City Clerk read the caption for Items 33A, B and C:

Item 33. CONSIDERATION OF THE FOLLOWING RELATED TO THE GLAZER'S WHOLESALE DRUG COMPANY PROPERTY ACQUISITION, TAX ABATEMENT AND TEXAS ENTERPRISE PROJECT NOMINATION:

2010-08-19-0722

- A. AN ORDINANCE DECLARING AS SURPLUS APPROXIMATELY 35 ACRES OF VACANT CITY-OWNED PROPERTY AT THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK (SBTP) LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 151 AND S. CALLAGHAN ROAD IN CITY COUNCIL DISTRICT 6 AND AUTHORIZING ITS SALE TO GLAZER'S DISTRIBUTORS FOR \$1,494,108.00.

2010-08-19-0723

- B. AN ORDINANCE APPROVING A 10-YEAR, 100% TAX ABATEMENT ON GLAZER'S NEW REAL AND PERSONAL PROPERTY IMPROVEMENTS AND NEW INVENTORY VALUED AT APPROXIMATELY \$1,542,055.00.

2010-08-19-0041R

- C. A RESOLUTION NOMINATING GLAZER'S FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT.

Councilmember Lopez requested additional information on the project. Ed Davis stated that it was a local business expansion project and that Glazer's Wholesale Drug Company had been in San Antonio since 1940. He noted that they were headquartered in Dallas and had chosen to invest \$30 million in a new facility, inventory, and personal property in San Antonio. He recognized Jack Westenberg and Pat McNamara of Glazer's and announced that they would be providing a gift to San Antonio.

Mr. Westenberg thanked the City Council for their support and noted that the company had been located in San Antonio for 70 years. He spoke of their original facility at 626 Florida Street and noted that 40 years ago, they had purchased property on Aniol Street. He mentioned that they had been maxed out of their property for over 10 years and had recognized that San Antonio was the ideal location for their third hub. He added that the regional distribution center would serve all of South Texas. He referenced the property located at Hwy 151 and Callaghan that is owned by the city that they would purchase and construct a 290,000 square-foot distribution center. He stated that they would donate \$400,000 toward Eastside Initiatives and had been pleased to be located in that area for 70 years.

Mayor Castro thanked Glazer's for their continued business and growth in San Antonio. Councilmember Lopez recognized Glazer's for being a great corporate citizen and stated that he was pleased to continue the great relationship. Councilmember Taylor stated that although she was not pleased that Glazer's was leaving the Eastside, she was happy that they were staying in San Antonio. She acknowledged them for their contribution to Eastside Initiatives and recognized Jackie Gorman-Johnson representing San Antonio for Growth on the Eastside (SAGE). Councilmember Chan recognized Glazer's for their expansion and continued investment in San Antonio. She thanked city staff for their work and asked of the funds from the sale of the property. Mr. Davis replied that it would be used to retire debt on the property. Councilmember Chan recommended that a discussion be held in the future in regard to the sale of property, noting the potential for a land bank. Councilmember Ramos congratulated Glazer's for their success and recognized the Economic Development Staff for their work. She also recognized the designation of Vanguard Health Systems San Antonio Partners, LLC and Holt Texas, Ltd. as State Enterprise Zone Projects in Items 30A and 30B.

Councilmember Lopez moved to adopt the proposed Ordinances for Items 33A and 33B and approve the Resolution for Item 33C. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

Item 34. CITY MANAGER'S REPORT

A. HEAD START UPDATE

Ms. Sculley reported that 6,700 children were enrolled in the \$54 million Head Start Program. She stated that improvements had been made in recruitment and enrollment for the new school year, and teachers had been trained in various areas including the "I am moving, I am learning" Program to combat child obesity. She noted that facility and site improvements had been made for safety purposes and staff would continue to make improvements to the program throughout the year.

B. DALLAS COWBOYS TRAINING CAMP UPDATE

Ms. Sculley stated that the city had received revenue in the amount of \$362,000 from the 2010 Dallas Cowboys Training Camp held at the Alamodome. She noted that over 200,000 individuals had attended the training camp with an average of 14,000 per day. She mentioned that city staff had ensured that school-age children were able to attend the camp. She added that the current contract with the Dallas Cowboys expires after the 2011 Training Camp and staff will be working with the Dallas Cowboys on a contract extension.

Councilmember Cisneros thanked the agencies that partner with the city on the Head Start Program. She also recognized the Downtown Operations Department, Office of Historic Preservation, and the Convention and Visitors Bureau for coordination of the Historic Houston Street Walking Tour.

CONSENT ZONING ITEMS

Councilmember Clamp moved to approve the following rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against: 35, Z-2, P-1, Z-5, and Z-6. Councilmember Cisneros seconded the motion.

Mayor Castro called upon Jack M. Finger.

Mr. Finger spoke in opposition to the used car lot that would be approved in Item Z-1. He expressed concern with the Immigrant Youth Shelter in Item Z-3 and asked if the youth were in the United States legally. He noted that two neighborhood associations had also expressed their opposition to the zoning case.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

2010-08-19-0042R

Item 35. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY OF PROPERTIES LOCATED ALONG OLD HIGHWAY 90 BOUND BY ACME ROAD TO THE WEST AND SAN JOAQUIN TO THE EAST AS WELL AS PROPERTIES LOCATED ALONG THE SOUTH SIDE OF WEST COMMERCE STREET BOUND BY SAN JOAQUIN TO THE WEST AND

SOUTH GENERAL MCMULLEN TO THE EAST TO ZONING DISTRICTS COMPATIBLE WITH THE EXISTING LAND USE, AS REQUESTED BY COUNCILMAN LOPEZ, DISTRICT 6.

2010-08-19-0725

Item Z-2. **ZONING CASE # Z2010119 (District 7):** An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 4.77 acres out of NCB 18559 located at 8024 Mainland Drive. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 4.77 ACRES OUT OF NCB 18559 TO WIT: FROM "I-1 AHOD" GENERAL INDUSTRIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 AHOD" GENERAL COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-08-19-0726

Item P-1. **PLAN AMENDMENT #10018 (Districts 4 and 5):** An Ordinance amending the land use plan contained in the Kelly/S. San PUEBLO Community Plan, a component of the Master Plan of the City, by changing the use of an 0.1435 acre tract of land located at 922 Wagner from Medium Density Residential land use to Neighborhood Commercial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case: #Z20100123)

2010-08-19-0727

Item Z-5. **ZONING CASE # Z2010123 (District 4):** An Ordinance amending the Zoning District Boundary from "R-6 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a professional office to "C-1 AHOD" Light Commercial Airport Hazard Overlay District on Lots 1 and 2, Block 54, NCB 8033 located at 922 Wagner Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 1 AND 2, BLOCK 54, NCB 8033 TO WIT: FROM "R-6 CD AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE TO "C-1 AHOD" LIGHT COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT.

2010-08-19-0728

Item Z-6. **ZONING CASE # Z2010121 (District 5):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "O-1 AHOD" Office Airport Hazard Overlay District on the west 50 feet of Lots 1 and 2, and the west 59.6 feet of the east 100 feet of the south 50 feet of Lot 2, NCB 2860 located at 319 Probandt Street and 601 East La Chappelle. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE

CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE WEST 50 FEET OF LOTS 1 AND 2, AND THE WEST 59.6 FEET OF THE EAST 100 FEET OF THE SOUTH 50 FEET OF LOT 2, NCB 2860 TO WIT: FROM "R-6 AHOD" RESIDENTIAL SINGLE FAMILY AIRPORT OVERLAY DISTRICT TO "O-1 AHOD" OFFICE AIRPORT HAZARD OVERLAY DISTRICT.

[CONSENT ZONING CONCLUDED]

INDIVIDUAL ZONING ITEMS

2010-08-19-0724

Item Z-1. **ZONING CASE # Z2010108 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-1" Light Commercial District on Lots 16 and 17, Block 3, NCB 17637 located at 5544 and 5554 Rogers Road. Staff and Zoning Commission recommended approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 16 AND 17, BLOCK 3, NCB 17637 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

Chris Looney presented Item Z-1 and stated that staff and the Zoning Commission recommended approval. He reported that 17 notices had been mailed with two returned in favor and none in opposition. He added that the Mountainview Acres Neighborhood Coalition had expressed their support.

Mayor Castro called upon Jan Wells.

Ms. Wells stated that she was the President of the Mountainview Acres Neighborhood Coalition and they were very much in favor of the zoning. She noted that they had worked with the property owner and this was the first of many zoning cases along Rogers Road.

Councilmember Lopez thanked Ms. Wells for being in attendance and moved to adopt the proposed Ordinance. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONTINUED

Item Z-3. **ZONING CASE # Z2010136 S (District 7):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District and "C-2" Commercial District to "R-20 S" Residential Single-Family District with a Specific Use Authorization for a Child Care Institution (Basic) on Lot 98, Block 5, NCB 17883 located at 9314 Ryder Drive. Staff recommends approval. Zoning Commission recommendation pending the August 17, 2010 public hearing.

Chris Looney presented Item Z-3 and stated that staff recommended approval and the Zoning Commission recommended denial. He noted that they had sent 30 notices with four returned in

opposition and two in favor. He added that the Braun Station West Community Improvement Association and the Northwest Neighborhood Alliance were both opposed to the zoning.

Councilmember Rodriguez moved to continue Item Z-3 for two weeks. Councilmember Clamp seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

CONTINUED

Item Z-4. **ZONING CASE # Z2010009 (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Tract 1A and Tract 2A, NCB 16587 located at 15602 and 15700 Nacogdoches Road. Staff and Zoning Commission recommend approval.

Chris Looney presented Item Z-4 and stated that staff and the Zoning Commission recommended approval. He noted that they had mailed 11 notices with one returned in favor and none in opposition.

Councilmember Clamp moved to continue Item Z-4 to September 16, 2010. Councilmember Cisneros seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

RECESSED

Mayor Castro recessed the meeting at 4:01 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:00 pm and called upon the individuals registered to speak.

Carlos Guadarrama stated that he had been homeless for many years and had begun running as a way to raise money and awareness for the needs of the homeless. He showed a video of a story that had been aired on KENS-TV regarding his efforts and requested assistance from the City Council for his race to Washington, D.C. He noted that he was attempting to raise \$1 million and introduced his coordinator, Cruz Rodriguez. Mr. Rodriguez spoke in support of Mr. Guadarrama's efforts and asked the City Council to provide financial assistance to help him achieve his goal.

Mark Perez expressed concern with the hazardous chemicals being stored at the Kimberly Clark Facility at 4702 Goldfield and asked why he had not received responses from the Planning and Development Services Department or the City Attorney's Office. He asked why no storage tank permits had been required of the facility and noted that Mission Petroleum Carriers had not applied for a flood plain permit.

Tamer Morsi stated that he was an attorney representing Matthew Mull. He spoke of the beating of Mr. Mull that occurred on May 25, 2010 and expressed concern with the lack of investigation by the San Antonio Police Department (SAPD). He noted that he had interviewed several witnesses at the club where the beating occurred and was unsure why SAPD had not done the same. He mentioned that SAPD had advised him that there were no suspects or witnesses in the case and they believe that Matthew Mull inflicted the wounds on himself.

Donald Mull, Norma Mull, and Matthew Mull also spoke of the incident in which Matthew Mull was beaten. Donald Mull stated that he was the victim's father and that his son had been beaten so badly that he was only able to identify him by his tattoos. He noted that he was a former Marine and knows the difference between an injury, accident, and self-inflicted wounds. He indicated that they had provided SAPD with photos, names and addresses of the assailants but nothing had been done. He added that his son deserves better treatment from SAPD. Mrs. Mull expressed concern with the large amount of medical bills that her son has incurred and that her son had been refused assistance from the Victims of Violent Crime. She stated that her son had been cooperative and provided information to SAPD. Matthew Mull asked the City Council to please help his case in any way possible and thanked the City Council for the opportunity to speak.

Nick Calzoncit spoke of the violence resulting from Arizona SB 1070 and HB 2281, noting that it had been worsening throughout many parts of the United States. He requested that corrective action be taken and expressed concern with the removal of Ethnic/Raza Studies in the Arizona School System. He referenced Dr. Roberto Cintli Rodriguez as an expert from the University of Arizona. Lastly, he stated that HB 2281 is in violation of the American Constitution and inhumane to Arizona's minority families.

Faris Hodge, Jr. expressed concern with the smoking ban in city parks, zoo, and the Riverwalk. He stated that there was limited staffing at city departments during the winter break. He asked how much the city received from the cigarette and liquor tax. He asked why new furniture had been purchased for the B Room and also requested the cost of the sprinkler system at City Hall. He noted that his brother was disabled and spoke of the lack of assistance that he was receiving from VIA Metropolitan.

Sallie Scott thanked the City Council for their work and vision for the Animal Care Services Department. She stated that the Friends of Animal Care Services had received three grants and spoke of the importance of prevention and spay/neuter surgeries. She noted that they would be raising funds for the Brackenridge Park Facility. She stated that in order to meet the No Kill Goal, 120,000 spay/neuter surgeries must be performed each year and more funding should be allocated.

Dr. C.P. Garcia stated that he had lived in San Antonio since 1969 and spoke of concerns that Veterans were encountering in regard to medical assistance. He noted that he was a Disabled Veteran and expressed concern that Veterans that live in the valley have to travel to San Antonio to receive medical care. He requested that the Audie Murphy Hospital District be divided to accommodate a VA Hospital in the Rio Grande Valley.

Raymond Zavala expressed concern with overweight Park Police Officers. He stated that he had sent an email regarding the Smoking Ordinance revisions to the entire City Council and had only received a response from two Councilmembers. He spoke of an incident that occurred on his wedding anniversary in which four fire trucks were falsely called to his home. He expressed concern that the new Fire

Department dispatch system was not working correctly. He noted his concerns with VIA buses tearing up the streets and referenced the damage at South Frio and Guadalupe Streets. Lastly, he asked why it was so difficult to receive a financial report from CPS Energy.

Julie Iris Oldham stated that she was being sued by Michael Idrogo and expressed concern with the mold and mildew at the Bob Ross Senior Center. She noted that the issues were not isolated to the dining hall and that she had already been to the hospital three times due to incidents that occurred at the center. She spoke of the cleaning contract that was awarded to a family member of a city employee and expressed concern with the lack of quality of the food served to the seniors.

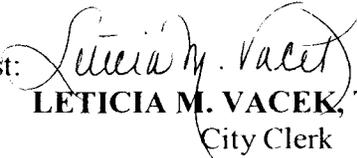
ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 6:48 pm.

APPROVED



**JULIÁN CASTRO
MAYOR**

Attest: 
LETICIA M. VACEK, TRMC/CMC
City Clerk